

REMARKS

In the non-Final Office Action mailed August 13, 2007, claims 1-21 and 23-39 were pending. Claims 3-7, 23 and 24 were withdrawn from consideration, and claims 1, 2, 8-21 and 25-39 were finally rejected. Claims 1, 10, 12, 13, 25, 30 and 31 have been amended in this response, and claims 55-58 have been added. Reconsideration of the present application as amended and including claims 1-21, 23-39 and 55-58 is respectfully requested.

Claims 1, 2, 8-21, and 25-39 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 2,699,774 to Livingston. Claims 1 and 25 have been amended above. Support for the amendments may be found through the specification and drawings and in specification locations, such as at paragraphs [0030], [0034]-[0039] and Figures 6-8 of the publication of the present application.

Livingston discloses a linear rod 37 and a linear shell 19. Rod 37 is inserted into a linear passage of shell 19 to expand the split lead and trailing ends of shell 19. The examiner asserts in this expanded configuration, shell 19 includes a curved configuration. However, there is no disclosure or suggestion in Livingston the either rod 37 or shell 19 is curved in the manner recited in claim 1 when shell 19 is in a collapsed insertion configuration. Furthermore, Livingston does not disclose or suggest that its curved configuration when expanded is maintained when shell 19 is in a collapsed insertion configuration. Therefore, Livingston cannot anticipate amended claim 1 and withdrawal of the rejection of claim 1 is respectfully requested.

Pending claims 2, 8-21 depending from claim 1 distinguish Livingston at least for the reasons claim 1 does and for other reasons. For example, rod 37 includes a leading end that is tapered from the cylindrical body of rod 37, but is not enlarged relative to rod 37. Therefore, Livingston does not disclose the features recited in amended claim 12. The other claims are believed allowable for the reasons provided in previous responses.

Livingston also does not disclose amended claim 25. Rod 37 is linear when shell 19 is collapsed and when shell 19 is enlarged. Claim 25 recites, in combination with the other features therein, "wherein said inner member and said outer member each include said curved configuration and each of said inner member and said outer member forms an arc that is co-linear with said longitudinal axis." Thus, claim 25 is allowable and withdrawal of the rejection thereof is respectfully requested.

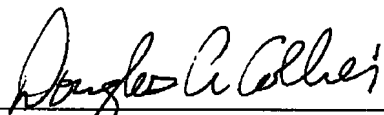
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Claims 26-39 depending from claim 25 are also allowable at least for the reasons claim 25 is allowable and for other reasons. For example, amended claim 30 recites "wherein said inner member includes a body portion extending from a leading end nose that is enlarged relative to said body portion and said leading end nose includes a tapered profile...." As discussed above with respect to claim 10, rod 37 in Livingston fails to include this feature. The other claims depending from claim 25 are believed allowable for the reasons provided in previous responses. Withdrawal of the rejection of claims 26-39 depending from claim 25 is respectfully requested.

New claims 55-58 have been added and also recite features not disclosed or suggested by Livingston. Claims 55-58 read on the elected species of Figure 7. Support for the amendments may be found through the specification and drawings and in specification locations, such as at paragraphs [0030], [0034]-[0039] and Figures 6-8 of the publication of the present application. An indication of the allowability of claims 55-58 is respectfully requested.

Reconsideration of the present application as amended and including claims 1-21, 23-39 and 55-58 is respectfully requested. The application is believed in condition for allowance, and a Notice of Allowance is hereby solicited. The Examiner is welcome to contact the undersigned to resolve any outstanding issues with respect to the present application.

Respectfully submitted:

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